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**Petition by the Campaign For Alcohol Free Kids,
the National Woman's Christian Temperance Union,
and the American Council on Alcohol Problems
to the Federal Communications Commission
to give parents the right to block beer ads**

MARCH 25, 1998

*LaserSlide*TM



Campaign For Alcohol Free Kids

A Not For Profit Corporation

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March 24, 1998

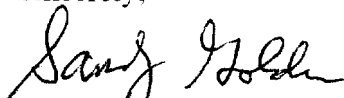
The Honorable Magalie Salas
Secretary of the Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Madam Secretary,

On behalf of the Woman's Christian Temperance Union, the American Council On Alcohol Problems and the Campaign for Alcohol Free Kids, enclosed are one original and nine copies of a petition we proudly file asking the FCC for a rulemaking.

Thank you for your attention to this matter.

Sincerely,


Sandy Golden
President

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**Petition by Alcohol Free Kids, the National Woman's Christian Temperance Union, and
the American Council on Alcohol Problems to the Federal Communications Commission to
give parents the right to block beer ads**

**Before the FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

.....)
In the Matter of.....)
.....)
PETITION FOR A RULEMAKING.....)
TO REQUIRE AN EXPANSION OF THE FCC.....)
ADOPTED INDUSTRY VIDEO.....)
PROGRAMMING RATING SYSTEM AND.....)
TECHNICAL REQUIREMENTS THAT.....)
ENABLE BLOCKING OF VIDEO PROGRAMING.....)
(THE V-CHIP) TO INCLUDE BEER COMMERCIALS.....)
AND ALL OTHER ALCOHOL ADVERTISING.....)

MAR 25 1008

To: The Commission

PETITION OF

THE CAMPAIGN FOR ALCOHOL FREE KIDS

JOINED BY

THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION (WCTU)

AND

THE AMERICAN COUNCIL ON ALCOHOL PROBLEMS (ACAP)

FOR A RULEMAKING
TO REQUIRE AN EXPANSION OF THE FCC
ADOPTED INDUSTRY VIDEO PROGRAMMING
RATING SYSTEM AND TECHNICAL REQUIREMENTS
THAT ENABLE BLOCKING OF VIDEO PROGRAMING (THE V-CHIP)
TO INCLUDE BEER COMMERCIALS AND ALL OTHER ALCOHOL ADVERTISING

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the American Council on Alcohol Problems to the Federal Communications Commission to
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Petition by Alcohol Free Kids, the National Woman's Christian Temperance Union, and the American Council on Alcohol Problems to the Federal Communications Commission to give parents the right to block beer ads

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**Petition by Alcohol Free Kids, the National Woman's Christian Temperance Union, and
the American Council on Alcohol Problems to the Federal Communications Commission to
give parents the right to block beer ads**

PETITION FOR RULEMAKING

The Campaign For Alcohol Free Kids submits this Petition requesting that the Federal Communications Commission adopt a rule mandating that all beer commercials and other alcohol advertisements be coded to enable them to be blocked using V-Chip technology in the same manner as the choice soon to be given to parents to block video programming that contains sexual, violent or other objectionable material. Alcohol advertisements, especially beer commercials, have a detrimental impact on the health and welfare of our nation's children.

SUMMARY

The Federal Communications Commission (FCC) should adopt a rule mandating that beer commercials and all other alcohol advertising be coded to enable parents to block them from their home television sets using FCC recently approved V-Chip technology.

I. RATIONALE FOR USING V-CHIP TECHNOLOGY

Underage drinking is out of control in every community in America, is illegal and has a detrimental impact upon the public health and welfare of the nation's children and society.

There is no question that America has a serious problem with illegal underage drinking in every state and community in the nation. Large numbers of our youth are having their lives ruined or are being killed by the consumption of alcohol. Alcohol consumption interferes with our ability to educate our children. Underage drinking and its many consequences are well documented and constitute a national crisis of the highest magnitude. Almost everyone in America has been affected by this problem. The youth of our nation are at risk in large part because of broadcast advertising practices (See Appendix A, "Alcohol and Youth" fact sheet published by the Center For Science In The Public Interest). Public health and society in general greatly suffers the consequences of alcohol abuse. "High Risk Alcohol Consumption has a detrimental impact upon the public health and welfare" (see Appendix B, excerpts of a petition filed by the National Council on Alcoholism and Drug Dependence, et al. before the FCC to require counter - advertisements to address alcohol advertising in broadcast media).

There should be no argument from any quarter that every reasonable step must be taken to protect our children and nation from the harm alcohol causes. Giving parents the choice of permitting beer and other alcohol ads to be displayed or not displayed on their home television sets is a logical and reasonable request and in the public interest. Who would be against it? What would their motives be?

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Beer is the worst form of alcohol because it has been documented to be the drug of choice of America's youth and causes them the most harm. Beer has been glamorized to the point that children are enticed to drink it. Beer commercials are often appealing to very young children through their use of various animal characters including frogs and lizards. Underage drinkers often become hooked for life, suffering greatly because the alcoholic content of beer is as addictive as in any other alcoholic beverage. For many it becomes an addiction impossible to kick, with painful premature death being the only recourse. Beer is often deadly, and when compared to all other illicit drugs combined, it is the most lethal drug of all. Children have been taught by TV ads to love beer, but they are not taught the many negative consequences often associated with its use.

An alarming recent study from the National Institute on Alcohol Abuse and Alcoholism, as reported by The Bottom Line,¹ concluded that the younger the age of drinking onset, the greater the chance that an individual at some point in life will develop a "clinically defined alcohol disorder," which was defined as either alcohol abuse or alcoholism. "The study said that young people who began drinking before age 15 were four times more likely to become alcoholic than those who began drinking at the legal age of 21." This study should be a wake up call to do something about the problem. Donna Shalala, Secretary of Health and Human Services, reportedly said in response to the study "This study adds new evidence about the need to regard underage drinking as the serious problem it is."²

The alcohol and broadcasting industry will claim that beer and alcohol ads do not harm children, that they simply get people to switch brands. That claim is as false as the tobacco industry's previous assertions that cigarettes do not cause cancer and that they are not addictive. Beer ads do entice children to drink and it is time we face that truth and deal with it for the good of our children and our nation.

The fact is that too many of our children are losing their lives and futures, and families are being destroyed all because of the abuse of alcohol, especially beer. Television advertising plays a significant role in fueling this tragic problem.

The industry will also claim that mandated blocking of beer and other alcohol ads is a denial of their First Amendment right, a claim that is not true because the health and welfare of the nation's children supersedes the profit motives of an industry that causes more harm than that caused by the tobacco industry.

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It is time that the true role of alcohol as a detriment to our nation's health be exposed as the evil that it is. We must take steps to protect our children from the devastation caused by beer abuse.

It is criminal to continue to allow the children of the United States to be constantly inundated with persuasive beer commercials on television. Advertisers are aware that children enjoy watching TV and take advantage of their vulnerability. To continue to allow the industry to glamorize beer and other alcoholic beverages on television, in the name of profits, will condemn large numbers of children to preventable HIV infections, teen pregnancies, dropping out of school, crippling injuries, brain damage, tragic futures, and or violent deaths. Beer and other alcohol advertising will also further fuel the large numbers of babies born with Fetal Alcohol Syndrome (FAS), the single most preventable cause of mental retardation in our nation.

11. A RULE REQUIRING AN EXPANSION OF THE FCC ADOPTED INDUSTRY VIDEO PROGRAMMING RATING SYSTEM AND TECHNICAL REQUIREMENTS THAT ENABLE BLOCKING OF VIDEO PROGRAMING (THE V-CHIP) TO INCLUDE BEER COMMERCIALS AND ALL OTHER ALCOHOL ADVERTISING

A. The commission has the authority to address the detrimental impact that alcohol consumption has on the public.

The FCC's authority to require the ability for parents to be able to block beer and other alcoholic beverage advertisements stems from it's duty to grant and renew only broadcast licences that serve the "public interest, convenience and necessity."³ The adverse impact of underage drinking on the public health is undoubtedly a significant public interest concern. The DC Circuit Court has found in *Banzhaf*, "the public interest indisputably includes the public health."⁴ The medical community, the general public, and the federal and state governments all agree that high risk alcohol consumption, especially among young people, is a significant public health issue.⁵

B. Enabling the blocking of beer commercials and alcohol advertising gives families the right to choose whether or not to allow their children to view such commercials.

Television ads influence our children. The beer companies have no right to do that. But parents have an absolute right and duty to protect their children from life-threatening harm, and if beer commercials are coded for use with the V-Chip, parents will be able to make responsible and informed choices about what is best for their children. A choice they currently do not have.

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**111. THE COMMISSION SHOULD REQUIRE ALL BEER COMMERCIALS AND
ALCOHOL ADVERTISEMENTS TO BE CODED TO ENABLE THEM TO BE
BLOCKED USING THE V-CHIP TECHNOLOGY IN THE SAME MANNER AS THE
CHOICE SOON TO BE GIVEN TO PARENTS TO BLOCK VIDEO PROGRAMMING
THAT CONTAINS SEXUAL, VIOLENT OR OTHER OBJECTIONABLE MATERIAL**

We therefore request that the FCC give parents the right and option to allow or disallow their children to view beer and other alcoholic beverage advertisements by enabling them to block such commercials with V-Chip technology. We are positive that public opinion and the majority of elected leaders at all levels of government will be in favor of this approach.

Unless all beer and alcohol advertisements are coded to enable V-Chip technology to be used to block them, parents, even if they make an informed viewing decision on sexual, violent and other objection programming, will be stuck with beer commercials which, in our view and the view of many, is the single most harmful form of programming content and must be addressed. Beer commercials give a false image of drinking. Let parents decide if their children should see such commercials. Parents and not the industry should be allowed to decide if beer commercials and other alcohol advertisements are harmful and unsuitable for their children to watch.

CONCLUSION

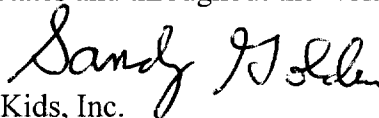
Underage drinking is out of control in America and something must be done to protect our children, who are our nation's future. We can not afford to lose any of the precious gifts that all children bring to our world. We must take all reasonable steps to prevent the needless slaughter going on today and the myriad of other problems associated with the abuse of alcohol, especially beer. We owe that to our children.

Thus, the FCC should require the use of V-Chip technology to allow parents to make informed decisions and choose whether or not to allow their children to be exposed to beer and alcohol advertisements in their homes on their television sets.

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Respectfully submitted,

In Loving Memory of: Princess Diana, Laura Lamb, Tommie Sexton, Cari Lightner, Alice Woodward, William Roswell Haight, Sean Thomas Smith, Kimberly Scalici, Mark Fuqua, Kathleen Pholit, Mark Canully, Torrey Tyrone Bowers, and Michael James Dick a.k.a. Michael Clarke, the drummer for the Byrds. And in loving memory of the 24 children and three adults who perished in the worst drunk driving wreck in U.S. history aboard the school bus from the First Assembly of God Church from Radcliff Kentucky, and the millions of other victims of alcohol abuse in the United States and throughout the world.

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Endnotes

1. The Bottomline on Alcohol in Society Volume 18 Number 4 Winter 1997 p21
2. Ibid p23
3. 47 U.S.C. 309(a), 309(k); 47 U.S.C. 154(I,303(r). **See also** 47 U.S.C. 151 (provides the Commission the authority and responsibility to regulate TV and radio in the US "for the purpose of promoting safety of life and property through the use of wire and radio communications."); 47 U.S.C. 307(a) (provides the FCC with the authority to make sure that broadcasters operate in the public interest.)
4. *Banzhaf v. FCC*, 405 F.2d 1082, 1096 (D.C. Cir. 1968), ***cert denied***, 396 U.S. 842 (1969)
5. Comm. Daily, Mar. 4, 1997 (60 organizations support Kennedy's bill to ban alcohol advertising on broadcast media). Chuck Ross and Ira Teinoqitz, *Beer Ads Had Wide Underage Reach on MTV: Tracking of Audience Levels Shows Violations of Industry's Own Code*, Jan. 6 1997, at 4. (At least 26 members of Congress have requested an inquiry); Petition for Rulemaking, In the Matter of *Banning the Advertising of Distilled Spirits in Electronic Broadcast Media*. (Petition from the State of Alaska); *Hundt Plans to Force Public Vote on Liquor Ads*, Comm. Daily, Apr. 7, 1997. (13 states have asked the FCC to consider alcohol advertising)..Petition for Notice of Inquiry , In the Matter of *The advertising of Distilled Spirits and other Alcoholic Beverages in Electronic Broadcast Media*. (Petition from the Center for Science in the Public Interest, et al.); Text of a letter From the President to Reed E. Hundt, Chairman of the Federal Communications Commission, Apr. 1, 1997. (President agrees with Hundt that the FCC has an obligation to consider any actions that would protect public interest, agrees that liquor industry should go back to voluntary ban); Advertising Age, July 1, 1996, at 25.) (The American Medical Association's House of Delegates voted to ask for a legislative and regulatory ban of liquor as from television).

APPENDIX A

ALCOHOL AND YOUTH

- The median age at which children begin drinking is about 13. ¹
- 25% of eighth graders, 39% of tenth graders, and 51% of twelfth graders report having used alcohol in the past month. ²
- 18% of eighth graders, 39% of tenth graders, and 53% of twelfth graders report having been drunk at least once in the last year. ³
- 30% of high school seniors reported in 1995 that they had consumed five or more drinks at one sitting during the preceding two weeks. ⁴
- Three-quarter of eighth graders say it is "fairly easy" or "very easy" to get beer. ⁵ 15% say it is as easy to get liquor. ⁶ One study conducted in Washington, DC reported that 19- and 20-year old males were able to purchase a six-pack of beer in 97 out of 100 attempts. ⁷
- Purchase and public possession of alcohol by people under the age of 21 is illegal in all 50 states. ⁸
- 56% of students in grades 5 to 12 say that alcohol advertising encourages them to drink. ⁹
- Over 80 percent of adults surveyed by the Bureau of Alcohol, Tobacco, and Firearms in 1988 believed that alcohol advertising influences underage youth to drink alcoholic beverages.

RISKS & CONSEQUENCES FOR YOUTH

- Among 9th-grade students, alcohol or other drug use, or a combination of substances, was the best predictor of early sexual activity and failure to use contraception. For youth, alcohol use more than any other single factor is responsible for more pregnancies, sexually transmitted diseases, and more HIV infections. ¹⁰
- High-school students who drink are four times more likely to have had sexual intercourse and twice as likely to have had four or more sex partners than non-drinkers, behaviors which increase the risk for HIV infection. ¹¹

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- More than 2.6 million students do not know that a person can die from an overdose of alcohol. ¹² Over one-third of high school seniors do not recognize the consumption of four or five drinks nearly every day as entailing "great risk". ¹³
- A projected 259,000 students think that wine coolers or beer cannot get a person drunk. ¹⁴
- Drinking among young people puts them at greater risk than their peers for involvement in crime as either actors or victims. Alcohol use is connected to provoking assailants, acting vulnerable, and failing to take normal, common-sense precautions to avoid being victimized.
- Alcohol is a factor in the three leading causes of death for 15-24 year olds: accidents, homicides, and suicides. ¹⁵
- In 1996, 16-24 year old drivers with blood alcohol contents of .10 g/dl or greater were responsible for over 2600 fatal highway crashes. ¹⁶
- Alcohol use by college students is a factor in 40% of academic problems, 28% of dropouts, 80% of acts of vandalism. ¹⁷
- 95% of violent crime on college campuses is alcohol-related. 90% of all reported campus rapes involve alcohol use by the victim or the perpetrator. ¹⁸

Endnotes

1. Public Health Service. Healthy People 2000: National Health Promotion and Disease Prevention Objectives. US Department of Health and Human Services. Washington, DC 1990. p97.
2. Johnston, LD, O'Malley, PM, and JG Bachman. National Survey Results on Drug Use, Monitoring the Future Study. Vol.1--Secondary School Students. National Institute on Drug Abuse. HHS. 1996. p11.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*, p263.
6. PRIDE Summary Report. 1994-95 National Survey.
7. Preusser, DF, and AF Williams. "Sales of Alcohol to Underage Purchases in Three New York Counties and Washington, DC". *Journal of Public Health Policy*. Vol.13. 1992. p306-317.
8. Office of the Inspector General. HHS.
9. "The Scholastic/CNN Newsroom Survey on Student Attitudes About Drug and Substance Abuse". February 1990.
10. Surgeon General Antonia Novello. "Youth and Alcohol--Unrecognized Consequences". Press Conference. Washington, DC. April 13, 1992.
11. Lowry, *et al.* "Substance Abuse and HIV-Related Sexual Behaviors Among US High School Students: Are They

Petition by Alcohol Free Kids, the National Woman's Christian Temperance Union, and the American Council on Alcohol Problems to the Federal Communications Commission to give parents the right to block beer ads

Related?" *American Journal of Public Health*. July 1994.

12. Office of Substance Abuse Prevention. "Too Many Young People Drink and Know Too Little About the Consequences." HHS. October 1991.

13. Johnston, L.D., *et al.* p205.

14. Office of the Inspector General. HHS. *Youth and Alcohol: A National Survey*. June 1991.

15. Centers for Disease Control. "Monthly Vital Statistics Report". Vol.43, No.6(s), p.23. March 22, 1995.

16. National Highway Traffic Safety Administration. US Department of Transportation. "Traffic Safety Facts 1996".

17. Center on Addiction and Substance Abuse at Columbia University. *Rethinking Rites of Passage: Substance Abuse on America's Campuses*. June 1994. p21.

18. *Ibid*.

Revised 11/97

From the "Liquor Ads Community Action Packet published by the Center for Science in the Public Interest. <http://www.cspinet.org/booze/alcyouth.htm>

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APPENDIX B

I. HIGH RISK ALCOHOL CONSUMPTION HAS A DETRIMENTAL IMPACT UPON THE PUBLIC HEALTH AND WELFARE

Alcohol contributes to the loss of 100,000 lives each year, and is the third leading cause of preventable death.² Between 1985 and 1990, the nation lost \$98.6 billion in reduced or lost productivity, medical care, crime and other social costs due to alcohol consumption.³ According to a survey by the Center for Disease Control and Prevention, the number of pregnant women who frequently drink alcohol has increased from 32,000 in 1991 to 140,000 in 1995, thereby increasing the risk that their children will suffer mental retardation, learning disorders and other problems.⁴ Alcohol is also a factor in more than half of all incidents of domestic violence.⁵

More important, underage drinking is an acute national problem. The Department of Health and Human Services estimated that in 1995 there were 11 million underage drinkers, of which two million were heavy drinkers.⁶ According to a 1996 study, 61% of high school seniors reported that they had been drunk at least once during the last year.⁷ Young people have easy access to beer and liquor and begin drinking at a median age of 13 years.⁸ Underage drinking is common throughout middle school and high school, with over 80% of high school students saying that they had used alcohol at least once.⁹ Many of them find themselves in state-funded alcohol programs before their 21st birthday.¹⁰

As a result of early drinking habits, young people, whose bodies are not fully developed and are more susceptible to the effects of alcohol, can suffer numerous serious alcohol-related problems. Unable to cope with their problems maturely, teenagers drink when they are upset, bored or want to feel high.¹¹ Their alcohol consumption increases the likelihood that they will engage in early and unsafe sex, resulting in pregnancies or sexually transmitted diseases, including HIV.¹² There is also a strong link between alcohol abuse, suicides and violent crimes, such as domestic violence, sex-related crimes, physical assaults, impaired driving accidents and homicides.¹³ In fact, alcohol use plays a significant role in all leading causes of death for people between the ages of fifteen and twenty-four.¹⁴

Driving under the influence of alcohol continues to be one of the major health problems in the U.S. Indeed, impaired driving is the most frequently committed violent crime in this country. In 1995, 17,274 people were killed and more than one million injured in alcohol-related traffic crashes. These fatal crashes cost society more than \$45 billion each year in direct costs and an additional \$67 billion in lost quality of life. Forty-one percent of all traffic crashes are alcohol-related and alcohol involvement is still the greatest factor in motor vehicle deaths and injuries.¹⁵

Despite the fact that it is illegal in every state for anyone under the age of 21 to consume alcohol, underage drinking contributes significantly to the problem. Nearly 32 percent of all deaths for people ages 15 to 20 result from motor vehicle crashes,¹⁶ and of the 6,220 young people who died in motor vehicle crashes in 1995, an estimated 2,206 (35.5%) of these fatalities were alcohol-related. As a result, motor vehicle crashes are the leading cause of death for 15 to 20 year olds, and alcohol-related traffic crashes remain one of the leading causes of death in this age group.¹⁷ Alcohol-related fatality rates are almost twice as great for 18, 19, and 20 year olds as for the population over the age of 21.¹⁸ With the projected increase in the youth population over the next decade, alcohol-related fatalities will increase unless the problem of underage drinking is addressed.

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Alcohol-related problems, especially among young people, can be linked to a lack of information and knowledge about drinking. Young drinkers do not know many important facts about alcohol nor do they fully understand the effects of its consumption. Many do not know that an overdose can kill, that four or five drinks nearly every day is a great risk, or that wine coolers and beer can get a person drunk.¹⁹

A. Broadcast alcohol advertising, high risk consumption of alcohol and underage drinking.

Lacking sufficient information about the effects of alcohol consumption, individuals, especially youth, can be easily influenced by alcohol advertisements that encourage drinking and contribute to alcohol-related problems. Each year, young people are exposed to about 2,000 beer and wine advertisements on television.²⁰ Recent figures indicate that beer and wine industries are spending more than \$750 million on broadcast advertising.²¹ Many of these ads are aired during programs with large youth audiences and contain images that appeal directly to youth. For example, fifty-six percent of children between grades 5 and 12 have said that alcohol advertising encourages them to drink.²² Additional studies show that advertisements increase young people's awareness and emotional response to products, their ability to recognize brands, their desire to own or use advertised products and their ability to recall advertisements.²³ Another study indicates that those who have seen beer advertising on television are predisposed to drink beer and do so more frequently as adults.²⁴

Moreover, some alcohol advertisements use specific techniques to attract youth audiences. One study describes the alcohol industry's use of advertising styles to attract youth noting, "[a]lcohol advertising specifically targets young people by showing the supposed advantages of drinking---more friends, greater prestige, more fun, and greater sex appeal...and suggesting that without alcoholic beverages teens cannot have fun or be popular."²⁵ Beer companies use animal characters, such as the Budweiser Frogs, as well as models who look under 21 and are engaging in juvenile activities, like beach parties. Seagram, the second-largest seller of distilled spirits ran a 30-second commercial in June for Crown Royal whiskey that appealed to graduating seniors, many of whom are underage.²⁶ The commercial featured a dog, the "valedictorian," carrying a fifth of Crown Royal to the tune of "Pomp and Circumstance," the music millions of teenagers hear at graduation.²⁷

The alcohol industry's placement of its ads in the broadcast media also reflects its focus on youth audiences. Leading alcohol companies have run ads on television and radio stations that are heavily patronized by youths and during time periods in which at least half of the audience was underage.²⁸ For example, a University of Michigan study on the appeal of beer advertising to youth found that the majority of young people had seen advertisements for Budweiser, Bud Light and Coors, and found the ads compelling.²⁹ Ninety-nine percent of the youth surveyed reported seeing the Budweiser Frog ads, 92% liked them, and 38% said that the ads make drinking seem more appealing.³⁰ In addition, a significant amount of alcohol advertising occurs during sports programming, especially the Super Bowl, which has a huge underage audience.³¹ Moreover, according to a survey by Advertising Age, Seagram has bought time for its ads primarily during sports and prime time programming.³² These spots have run during the World Series and NFL games on Fox outlets, as well as during "Cosby" and college football games.³³ Other Seagram's ads ran during "NFL Monday Night Football, which has an average weekly viewing audience of about 3 million people between the ages of 2 and 20.³⁴ Another distiller, Hiram Walker & Sons, has run advertisements for its Kahlua-based drink on programs in 22 local markets, including programs popular with teens and pre-teens.³⁵

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Footnotes

2. J. McGinnis & W. Foege, *Actual Causes of Death in the United States*, 270 JAMA [Journal of the American Medical Association] 2208 (1993).
3. National Institute for Alcohol Abuse and Alcoholism, 17 Alcohol Health & Research World 10 (1993).
4. Center for Disease Control and Prevention, *Alcohol Consumption Among Pregnant and Childbearing-Aged Women -- United States, 1991 and 1996*, Morbidity & Mortality Weekly Report, Apr. 25, 1997 at 345. These women, all between the ages of 18 and 44, had seven or more drinks a week, or drank five or more drinks at once in the month prior to the survey. *Id.*
5. J. Collins & P. Messerschmidt, *Epidemiology of Alcohol-Related Violence*, 17 Alcohol Health & Research World 95 (1993).
6. In a 1995 survey, 4.4. million underage Americans reported "binge" drinking and 1.7 million reported binge drinking or drinking heavily. National Institute on Drug Abuse, *1995 National Household Survey on Drug Abuse*.
7. L. D. Johnston, P. M. O'Malley and J.G. Bachman, *Monitoring the Future Study, 1975-1995* (vol. 1 -- Secondary School Students), (National Institute on Drug Abuse, HHS 1996).
8. Office of the Inspector General, US Department of Health and Human Services, *Youth and Alcohol: A National Survey. Drinking Habits, Access, Attitudes, and Knowledge*, Washington, DC, 6/91; Public Health Service, *Healthy People 2000: National Health Promotion and Disease Prevention Objectives* (HHS 1990).
9. In a recent study of high schoolers, 55% of eighth graders and 70.5% of tenth graders reported drinking. The study also reported that 15% of eighth graders, 24% of tenth graders and 30% of twelfth graders had at least 5 drinks in a row during the two weeks preceding the survey. George D. Comerchi, Paul G. Fuller, Sandra F. Morrison, *Cigarettes, Drugs, and Teens*, Patient Care, Feb. 28, 1997, at 56.
10. In 1993, underage drinkers represented nearly 10% of those admitted to state-funded alcohol treatment programs. H.R. 3473, 104th Cong., 2nd Sess. (1996).
11. Office of the Inspector General, US Department of Health and Human Services, *Drinking Habits, Access, Attitudes, and Knowledge*, Washington, DC, 6/91. (Of the teenagers who binge drink, 39% drink alone, 58% drink when upset, 30% drink when bored, and 37% drink to feel high.)
12. National Institute on Alcohol Abuse and Alcoholism, *Alcohol Topics: Fact Sheet--Alcohol and Youth*, Mar. 22, 1995; Press Conference of Surgeon General Antonia Novello, *Youth and Alcohol -- Unrecognized Consequences*, Wash. D.C. Apr. 13, 1992. (At the time of the study, alcohol use was the best predictor of early sexual activity by 9th graders, as well as of their failure to use contraception. Among high school students, drinkers were four times more likely to have sex and twice as likely to have slept with four or more partners than non-drinkers.)

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13. National Institute on Alcohol Abuse and Alcoholism, *Eighth Special Report to Congress on Alcohol and Health*, 9/93, p. xi. In addition, at least 50-65% of all suicides among youth are associated with alcohol use. Alcohol use is associated with 95% of violent crimes on campus and 90% of campus rapes. Liquor Ads Community Action Packet, *Alcohol and Youth*.

14. Centers for Disease Control, *Monthly Vital Statistics Report*, Vol. 43, No. 6(s), March 22, 1995. The leading causes of death for young people include drunk driving, homicide, suicide, drownings, fires and burns.

15. The National Safety Council and National Highway Traffic Safety Administration, *Setting Limits, Saving Lives, the Case for .08 BAC LAWS*, (1997).

16. Center for Disease Control, Vital Statistics Mortality Data-1993, (1994).

17. Center for Disease Control, National Center for Health Statistics, *NCHS-Vital Statistics Mortality Data-1993, Multiple Causes of Death (MCD) File*, (1994).

18. National Highway Traffic Safety Administration, National Center for Statistics and Analysis, *Fatal Accident Reporting System*.

19. Over \$2.6 million students do not know that an alcohol overdose can kill a person. One-third of high schoolers do not know that four or five drinks almost every day is a great risk. Nearly 260,000 students do not know that wine coolers and beer can get a person drunk. Office of the Inspector General, US Department of Health and Human Services, *Drinking Habits, Access, Attitudes, and Knowledge*, Washington, DC, 6/91.

20. V.C. Strasburger, *Adolescents, Drugs and the Media*, 4 Adolescent Medicine: State of the Art Rev. 391-415 (1993); C. Atkin, 1995 Survey and Experimental Research on Effects of Alcohol Advertising, in *The Effects of the Mass Media on the Use and Abuse of Alcohol*, Research Monograph no. 28, ed. S. Martin, 39-68, Bethesda, MD: U.S. Department of Health and Human Services.

21. Ira Teinowitz and Michael Wilke, *Cable Net to Accept Spirits Ads; Move by Black Entertainment TV Follows DISCUS Ending its Ban*, Advertising Age, Nov. 11, 1996, at 1.

22. The Scholastic/CNN Newsroom Survey on Student Attitudes About Drug and Substance Abuse (Feb. 1990).

23. Strasburger, V.C., *Adolescents and the Media: Medical and Psychological Impact*. (Thousand Oaks, CA: Sage Publications) (1995).

24. H.R. 3473, 104th Cong., 2nd Sess. (1996). In addition, other studies indicate that beer ads increases children's ability to recall brand names and slogans and to associate beer with fun and adult behavior. Alaska, Petition for Rulemaking, *Banning the Advertising of Distilled Spirits in Electronic Media Broadcast*, (citing *What You Can Do About Broadcast Liquor Ads*, Center for Science in the Public Interest, Action Alert, distributed by JoinTogether Online, (11/6/1996).

25. American Academy of Pediatrics, Committee on Communications, *Children, Adolescents, and Advertising*, 95 Pediatrics 295-297 (1995) (citing N. Postman, C. Nystrom, L. Strate, and C. Weingartner, *Myths, Men & Beer* (1988)).

26. Harry Berkowitz, *Group Blasts Ads it Says are Too Good to be True*, Newsday, Dec., 1996, at A 59;

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Chuck Tennert, *Banned Liquor; Liquor Advertising*, Video Magazine, Dec. 1996, at 13.

27. Harry Berkowitz, *Group Blasts Ads it Says are Too Good to be True*, Newsday, Dec., 1996, at A 59.

28. Chuck Ross and Ira Teinowitz, *Beer Ads Had Wide Underage Reach on MTV: Tracking of Audience Levels Shows Violations of Industry's Own Code*, Advertising Age, Jan. 6, 1997; Communications Daily, Apr. 9, 1997 (Anheuser-Busch and Miller Brewing have both run ads on MTV, a cable station with substantial underage patronage.); Liquor Ads Community Action Kit, *Seagram's Liquor Ads spread on TV and Radio*, Action Alert, November 1996. (Seagram utilizes "youth-oriented rock and roll or album-oriented rock formats" for its gin ads on stations with teen audiences.)

29. Bruce Horovitz and Melanie Wells, *Ads for Adult Vices Big Hit with Teens*, USA Today, Jan. 31, 1997 at 1A.

30. *Id.*; For the Bud Light "I love you, man" ad, 62% reported seeing the ad, 89% liked it, and 35% said it makes drinking seem more appealing. For the Coors "Tap the Rockies" ad, 56% reported seeing the ad, 55% liked it, and 35% said that it makes drinking seem more appealing. *Id.*

31. Katharine Seelye, *Trickle of Television Liquor Ads Releases Torrent of Regulatory Uncertainty*, N.Y. Times, Jan. 12, 1997, at § 1, pg. 10; Alaska Petition for Rulemaking, *Banning the Advertising of Distilled Spirits in Electronic Media Broadcast*; John M. Broder, *The Chairman of the F.C.C. Starts a Crusade Against Hard Liquor Ads on Television*, N.Y. Times, Apr. 9, 1997, at D7.

32. Chuck Ross and Ira Teinowitz, *No Local Outcry at Stations Airing Liquor Ads*, Advertising Age, Nov. 18, 1996, at 1.

33. *Id.*

34. Chuck Ross, *Seagram Chairman Defends Liquor TV Ads; FCC seeking Information on When the Spots Have Been Aired*, Advertising Age, at 1; *Nightline: Liquor and TV Ads* (ABC television broadcast, Nov. 11, 1996) (transcript on file with Lexis).

35. John M. Broder, *The Chairman of the F.C.C. Starts a Crusade Against Hard Liquor Ads on Television*, N.Y. Times, Apr. 9, 1997 at D7.

Excerpted from the Petition of the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) et al. for a Rulemaking to Require Counter-Advertisements to Address Alcohol Advertising in Broadcast Media. May 14 1997 <http://www.ncadd.org/petition.html>

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APPENDIX C

THE CAMPAIGN FOR ALCOHOL FREE KIDS (AFK) www.alcoholfreekids.com

Alcohol Free Kids is a national non-profit advocacy organization formed in 1997 to educate and galvanize the public and mobilize a grass roots movement to address the national crisis of underage drinking, drunk driving and alcohol abuse that is devastating American families. The organization grew out of the highly acclaimed crusade that became known as the Campaign Against Drunk Driving (CADD) that was successful in leading and sparking the interest and enthusiasm that resulted in major advances being made in the drunk driving issue starting in 1980 that continue to this day. CADD is now a project of AFK.

The 1998 goals of AFK are to obtain a Presidential Commission on underage drinking that will be designed to bring the problem under "iron fist" control in every state and community in the country, fight to give parents the right to block beer and other alcohol ads from their television sets, write the strategies necessary to teach the American public exactly how to address the tragic consequences of the abuse of alcohol in their communities, trigger emergency action teams to combat underage drinking in every community, and lead a World Conference designed to trigger effective alcohol reform efforts around the globe.

THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION (WCTU) www.wctu.org

The WCTU was founded in Cleveland, Ohio in November of 1874. It grew out of the "Woman's Crusade" of the winter of 1873-1874. Initial groups in Fredonia, New York and Hillsboro and Washington Court House, Ohio, after listening to a lecture by Dr. Dio Lewis, were moved to a non-violent protest against the dangers of alcohol. Normally quiet housewives dropped to their knees in pray-ins in local saloons and demanded that the sale of liquor be stopped. In three months the women had driven liquor out of 250 communities, and for the first time felt what could be accomplished by standing together. At that time in our history, women did not have the right to vote.

Local chapters were called "unions" and were largely autonomous, but closely linked to the state unions and national headquarters. The WCTU quickly became the largest woman's organization in the United States (and later, in the world). The WCTU no longer holds that distinction, but is rebuilding its membership base in order to become more effective in the fight against alcohol, tobacco and other drugs. Today the WCTU is the oldest voluntary, non-sectarian woman's organization in continuous existence in the world. For almost 125 years the WCTU has trained women to think on their feet, speak in public, and run an organization.

AMERICAN COUNCIL ON ALCOHOL PROBLEMS (ACAP)

ACAP has been in existence for more than 100 years and unites state temperance organizations, national religious bodies and similar concerned groups in America to deal with problems caused by alcohol and other drugs. Beginning in 1982 ACAP was instrumental in getting President Reagan to establish an acclaimed Presidential Commission on Drunk Driving and helped set the nation on a course of corrective action which continues to this day. ACAP then worked to get U.S. Surgeon General C. Everett Koop to convene a Surgeon General's workshop on the drunk driving issue whose landmark report proved to be a roadmap for corrective action into the next decade.

In 1989 ACAP again worked as part of a team to meet with President Bush to ask him to take action on the drunk driving problem. Leaders from ACAP, the WCTU and CADD were able to convince President Bush to declare drunk driving to be a "National Crisis" following a horrific alcohol-related bus crash that claimed the lives of 24 children and three adults from the First Assembly of God Church in Radcliff Kentucky. The tragedy was the worst drunk driving wreck in U.S. history and shocked the nation. ACAP received little credit for its role in turning the tide in the drunk driving issue.

Membership of ACAP presently is made up of 38 state temperance organizations, 25 national Christian denominations, and other fraternal organizations which support ACAP's philosophy of abstinence.